

RESPONSE

Attorney Docket No.: SEDN/WGATE13

Application No.: 09/850,146

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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed June 30, 2005.

Claims 1-20 are pending. Claims 1, 9, and 14 are amended to correct a misspelling. Claims 3, 5, 8, 10, 11, 13 and 20 are amended to have proper Markush groups. Claims 1, 9, and 14 are amended and new claims 21-29 are added. Amendments to the claims and the new claims are fully supported by the original specification, including the drawings and claims. Applicants, by amending the claims, do not acquiesce to the Office Action's characterizations of the art of record or to characterizations of subject matter recited in the pending claims. Further, Applicants do not acquiesce to the Office Action's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Claims 3, 5, 8, 10, 11, 13 and 20 patentable under 35 U.S.C. §112

The Office Action rejected claims 3, 5, 8, 10, 11, 13 and 20 under 35 U.S.C. §112 as forming an improper Markush group. These claims are amended to have proper Markush groups and Applicants respectfully request reconsideration of these claims.

Claims 1-20 patentable under 35 U.S.C. §103

The Office Action rejected claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No.5,666,645 to Thomas ("Thomas").

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143.

Thomas fails to teach or suggest all the claim elements. For example, Thomas fails to teach or suggest broadcasting static screens of information, where each screen includes information pertaining to an area of interest. By contrast, Thomas discloses a

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data management and distribution system and method for an electronic television program guide (EPG). The claimed static screens are not the same as an EPG.

Claim 1 recites, inter alia, "a least a first local server for receiving said files from said central server and sending said files to a corresponding cable headend in a television distribution system for broadcast to viewers in said television distribution system as a plurality of static screens of information, each screen including information pertaining to an area of interest" and "wherein the area of interest is selected from the group consisting of: news, sports, weather, stocks, traffic, local communities, children's programs, entertainment, technology, finance, music, and airline flight status." Thomas is directed to displaying an EPG including data like that in the TV Guide™. (Thomas, col. 5 line 61 to col. 6 lines 11). Thomas is directed to an EPG having scheduling data, not the claimed static screens of information pertaining to an area of interest. (Thomas, abstract, col. 1, lines 7-15). Some examples of the claimed static screens of information pertaining to an area of interest are illustrated in Applicant's specification in Figures 2A-2L and are clearly different than scheduling information in an EPG. Therefore, claim 1 is patentable over Thomas under §103.

Claims 2-8 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1, while adding additional elements. Therefore, claims 2-8 are also patentable over Thomas under §103.

Claim 9 recites, inter alia, "a least a first local server for receiving said files from said central server and sending said files to a corresponding cable headend in a television distribution system for broadcast to viewers in said television distribution system as a plurality of static screens of information, each screen including information pertaining to an area of interest, said local server including an editor for facilitating review and approval of the content of said files prior to being sent to said headend" and "wherein the area of interest is selected from the group consisting of: news, sports, weather, stocks, traffic, local communities, children's programs, entertainment, technology, finance, music, and airline flights status." For the same reasons given above with respect to claim 1, claim 9 is patentable over Thomas under §103.

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Claims 10-13 depend, directly or indirectly, from claim 9 and, thus, inherit the patentable subject matter of claim 9, while adding additional elements. Therefore, claims 10-13 are also patentable over Thomas under §103.

Claim 14 recites, inter alia, "sending said information files from said local server to a cable headend in a television distribution system for broadcast to viewers in said television distribution system as a plurality of static screens of information, each screen including information pertaining to an area of interest; wherein the area of interest is selected from the group consisting of: news, sports, weather, stocks, traffic, local communities, children's programs, entertainment, technology, finance, music, and airline flight status." For the same reasons given above with respect to claim 1, claim 14 is patentable over Thomas under §103.

Claims 15-20 depend, directly or indirectly, from claim 14 and, thus, inherit the patentable subject matter of claim 14, while adding additional elements. Therefore, claims 15-20 are also patentable over Thomas under §103.

For the same reasons given above with respect to claim 1, new claims 21-29 are also patentable over Thomas under §103.

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CONCLUSION

In view of the foregoing, Applicants believe that this application is in condition for allowance. Reconsideration of this application and its swift passage to issue are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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